

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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**IN RE PHARMACEUTICAL INDUSTRY** :  
**AVERAGE WHOLESALE PRICE** :  
**LITIGATION** :

**THIS DOCUMENT RELATES TO** :

**MDL NO. 1456**

*State of Nevada v. American Home Prods. Corp.,* :  
*et al.*, 02-CV-12086-PBS :

**Master File No. 01-CV-12257-PBS**

*State of Montana v. Abbott Labs., Inc., et al.*, 02- :  
CV-12084-PBS :

**Hon. Patti B. Saris**

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**AVENTIS PHARMACEUTICALS INC.'S**  
**MOTION FOR PARTIAL SUMMARY JUDGMENT**

Aventis Pharmaceuticals Inc. ("Aventis") respectfully moves this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment as to all claims relating to self-administered drugs. The grounds for this motion are set forth in the Aventis's Memorandum of Law in Support of Its Motion for Partial Summary Judgment. In further support of its Motion, Aventis also submits its Statement of Undisputed Material Facts, the declarations of James Hughes and Joseph G. Matye, and the exhibits thereto.

**ORAL ARGUMENT REQUESTED**

Pursuant to LR 7.1, Aventis believes that oral argument may assist the Court in deciding this motion and respectfully requests that oral argument be heard.

WHEREFORE Aventis respectfully requests that its Motion for Partial Summary Judgment be GRANTED.

Dated: February 8, 2007

AVENTIS PHARMACEUTICALS INC.

By its attorneys:

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**CERTIFICATE OF SERVICE**

I here by certify that on February 8, 2007, copies of the foregoing Motion for Partial Summary Judgment were served on all counsel of record via ECF and Lexis/Nexis File & Serve.

/s/ Joseph G. Matye